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International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Tenth session

Summary record of the 176th meeting*

Held at the Palais des Nations, Geneva, on Friday, 18 March 2016, at 3 p.m.

Chair: Mr. Decaux

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* No summary records were issued for the 167th to 175th meetings.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3.05 p.m.

Organizational and other matters

Report of the Committee on its tenth session

1. **Mr. López Ortega** (Rapporteur), in presenting the Committee's informal report on its tenth session, said that to date there were 51 States parties to the Convention and 95 signatory States. The latest State to have ratified the Convention had been Italy, in October 2015, and the number of States parties was growing slowly but steadily. The session had been opened by Mr. Simon Walker of the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights, who had stressed the innovative nature of the Convention: it had been the first of the international human rights treaties to enshrine the right not to be subjected to enforced disappearance and it obliged States parties to incorporate that right into their domestic legislation. He had also mentioned ways in which the Convention applied to new perpetrators and new forms of enforced disappearance.

2. The challenges currently facing the Committee and the Convention had been discussed at an event held to commemorate the Convention's tenth anniversary. The mechanisms that the Committee relied on to monitor the implementation of the Convention by States parties had been referred to. An update had been provided on the implementation of General Assembly resolution 68/268, including the Committee's endorsement of the Addis Ababa and San José guidelines.

3. All Committee members had attended the tenth session. As usual, the session had opened with a minute of silence in memory of the victims of enforced disappearance. After the adoption of the agenda, various matters had been addressed, foremost among them the report by the three rapporteurs on requests for urgent action. Since March 2012, 346 requests had been submitted, of which 275 had been registered; they had involved Brazil, Cambodia, Colombia, Iraq and, principally, Mexico. In accordance with its rules of procedure, the Committee had asked the States parties concerned to take all the necessary measures to locate and protect the disappeared persons in question and to inform the Committee about action taken.

4. The Committee had also considered the merits of communication No. 1/2013, the first communication on which it had reached a decision. The decision would be made public as soon as the State party and the complainants had been properly notified. In addition, the Committee had adopted a decision on developing a method for preparing general comments; it had also adopted the lists of issues in relation to the State party reports to be considered by the Committee at its coming session as well as the concluding observations on the reports of Tunisia, Burkina Faso and Kazakhstan. The country rapporteurs for Lithuania and Albania had been named. The informal report of the Committee on its tenth session had been adopted, as had the draft programme of work for the eleventh session. A working group had been formed to review the Committee's rules of procedure.

5. The Committee's recommendations following its consideration of the initial report of Tunisia had focused on the competence of the State party's courts to deal with cases involving enforced disappearance, the adoption of measures to prevent enforced disappearance, the right to reparation and the need to bring laws on the abduction of children into line with the provisions of the Convention. The Committee's recommendations following its consideration of the initial report of Burkina Faso had included the need for the State party to bring its national human rights institution into line with the Paris Principles and to ensure that enforced disappearance constituted an offence

under its criminal law. The Committee had also made recommendations following its consideration of the initial report of Kazakhstan.

6. While thanking Lithuania for the timely submission of its initial report, the Committee had expressed concern that six of the first States to have ratified the Convention had not yet submitted their initial reports and that the reports of eight others were long overdue.

7. The Director of the Human Rights Treaties Division had spoken at the meeting held to commemorate the tenth anniversary of the Convention, as had the Ambassadors of Morocco, France, Argentina and Japan. There had been two panel discussions at the meeting, the first moderated by Ms. Janina and the second by Mr. Corcuera Cabezut. Tribute had been paid to the victims of enforced disappearance, to Mr. Bernard Kessedjian and to Mr. Louis Joinet. Those taking part in the commemoration had greatly welcomed Mr. Joinet's presence, not least because he had played a prominent role in the development of the Convention.

Annual report of the Committee to the General Assembly

8. **Mr. López Ortega** said that the Committee's annual report to the General Assembly reproduced the reports on its ninth and tenth sessions and included sections on reprisals and country visits. At the current session, the Committee had notified Mexico of its intention to organize a visit in early 2017 and had requested the State party to respond by 1 July 2016.

Closure of the session

9. **The Chair** said that the Committee's tenth session, which had included the commemoration of the tenth anniversary of the Convention, had been an especially productive one. The anniversary would also be commemorated at the seventy-first session of the General Assembly. It was his hope that such events, coupled with the Secretary-General's yearly call for more States to ratify the Convention, would result in broader ratification.

10. The consideration of State party reports, to which a fair amount of the current session had been devoted, enabled the Committee to refine its interpretation of the Convention and develop a set of good practices that provided a framework for its recommendations. The Committee made a clear distinction between what it recommended that States parties should do and what it encouraged or asked them to do. They were asked, for instance, to avoid imposing the death penalty. In that connection, a working group responsible for consolidating the Committee's interpretative practices had been set up.

11. Preparations for the twenty-eighth meeting of the Chairs of the human rights treaty bodies, which was to be held in New York in June 2016, were under way. In connection with the adoption by the treaty bodies of the San José Guidelines, he and the Chair of the Human Rights Committee had met with the Special Rapporteur on the situation of human rights defenders. A discussion of the standing of national human rights institutions in respect of the treaty bodies was a priority item on the agenda for the twenty-eighth meeting.

12. Another priority item would be discussion on the implementation of General Assembly resolution 68/268. He was of the view that the Committee had done its share in that regard, in some respects to its detriment. The Committee would be issuing a reminder that, under the Convention, the Secretary-General was obliged to provide the Committee with the necessary means, staff and facilities for the effective performance of its functions.

13. After five years of activity, the Committee had proved its worth. In view of the magnitude of the challenges still to be overcome, however, the achievements of those five years were but a beginning.

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14. After the customary exchange of courtesies, he declared the tenth session of the Committee on Enforced Disappearances closed.

The meeting rose at 3.35 p.m.